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HOUSE BILL 583

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

**RELATING TO VICTIM RIGHTS; REQUIRING THE RIGHTS AND DUTIES
PURSUANT TO THE VICTIMS OF CRIME ACT TO TAKE EFFECT WHEN A
CRIMINAL COMPLAINT IS FILED FOR CERTAIN MISDEMEANOR CHARGES.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 31-26-3 NMSA 1978 (being Laws 1994,
Chapter 144, Section 3, as amended) is amended to read:**

**"31-26-3. DEFINITIONS. --As used in the Victims of Crime
Act:**

**A. "court" means magistrate court, metropolitan
court, children's court, district court, the court of appeals
or the supreme court;**

B. "criminal offense" means:

**(1) negligent arson resulting in death or
bodily injury, as provided in Subsection B of Section 30-17-5**

1 NMSA 1978;

2 (2) aggravated arson, as provided in Section
3 30-17-6 NMSA 1978;

4 (3) aggravated assault, as provided in
5 Section 30-3-2 NMSA 1978;

6 (4) aggravated battery, as provided in
7 Section 30-3-5 NMSA 1978;

8 (5) dangerous use of explosives, as provided
9 in Section 30-7-5 NMSA 1978;

10 (6) negligent use of a deadly weapon, as
11 provided in Section 30-7-4 NMSA 1978;

12 (7) murder, as provided in Section 30-2-1
13 NMSA 1978;

14 (8) voluntary manslaughter, as provided in
15 Section 30-2-3 NMSA 1978;

16 (9) involuntary manslaughter, as provided in
17 Section 30-2-3 NMSA 1978;

18 (10) kidnapping, as provided in Section
19 30-4-1 NMSA 1978;

20 (11) criminal sexual penetration, as provided
21 in Section 30-9-11 NMSA 1978;

22 (12) criminal sexual contact of a minor, as
23 provided in Section 30-9-13 NMSA 1978;

24 (13) armed robbery, as provided in Section
25 30-16-2 NMSA 1978;

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1 (14) homicide by vehicle, as provided in
2 Section 66-8-101 NMSA 1978;

3 (15) great bodily injury by vehicle, as
4 provided in Section 66-8-101 NMSA 1978;

5 (16) abandonment or abuse of a child, as
6 provided in Section 30-6-1 NMSA 1978;

7 (17) stalking or aggravated stalking, as
8 provided in the Harassment and Stalking Act;

9 (18) aggravated assault against a household
10 member, as provided in Section 30-3-13 NMSA 1978;

11 (19) assault against a household member with
12 intent to commit a violent felony, as provided in Section
13 30-3-14 NMSA 1978;

14 (20) battery against a household member, as
15 provided in Section 30-3-15 NMSA 1978; or

16 (21) aggravated battery against a household
17 member, as provided in Section 30-3-16 NMSA 1978;

18 C. "court proceeding" means a hearing, argument or
19 other action scheduled by and held before a court;

20 D. "family member" means a spouse, child, sibling,
21 parent or grandparent;

22 E. "formally charged" means the filing of an
23 indictment, the filing of a criminal information pursuant to a
24 bind-over order, the filing of a criminal complaint for a
25 misdeemeanor enumerated in Subsection B of this section, the

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1 filing of a petition or the setting of a preliminary hearing;

2 F. "victim" means an individual against whom a
3 criminal offense is committed. "Victim" also means a family
4 member or a victim's representative when the individual
5 against whom a criminal offense was committed is a minor, is
6 incompetent or is a homicide victim; and

7 G. "victim's representative" means an individual
8 designated by a victim or appointed by the court to act in the
9 best interests of the victim."